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CPA

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**Submit an original and a duplicate for fee processing  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))  
CHECK BOX, if applicable  
☐ DUPLICATE

|  |  |                       |
|--|--|-----------------------|
| <b>Address to:</b><br><br><b>Assistant Commissioner for Patents</b><br><b>Box CPA</b><br><b>Washington, D.C. 20231</b> | Attorney Docket No. of Prior Application | 251692002120          |
|  | First Named Inventor                     | Thomas A. Silvestrini |
|  | Examiner Name                            | Dave Willse           |
|  | Group Art Unit                           | 3738                  |
|  | Express Mail Label                       | EK 766 403 375US      |

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 153(d), (continued prosecution application (CPA)) of prior application number 08/596,221 filed on July 15, 1996, entitled Segmented Pliable Intrastromal Corneal Insert.

1. ☐ Enter the unentered amendment previously filed on \* under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - A. ☐ **DELETE** the following inventor(s) named in the prior application:
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☒ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed (Revocation & Power of Attorney).
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

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01 FC:231  
02 FC:216345.00 CP  
159.00 CP

# CLAIMS

| (1) FOR  | (2) NUMBER<br>FILED | (3) NUMBER<br>EXTRA | (4) RATE                        | (5) CALCULATIONS |
|--|---------------------|---------------------|---------------------------------|------------------|
| TOTAL CLAIMS<br>(37 C.F.R. § 1.16(c) or (j))   | 11 - 20 =           |                     | x \$ * =                        | \$               |
| IND. CLAIMS<br>(37 C.F.R. § 1.16(b) or (i))  | 3 - 3 =             |                     | x \$ * =                        | *                |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))   |                     |                     | + \$ * =                        |                  |
|  |                     |                     | BASIC FEE<br>(37 C.F.R. § 1.16) | \$ 690.00        |
|  |                     |                     | Total of above Calculations     | \$ 690.00        |
|  |                     |                     | =                               |                  |
| Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28)   |                     |                     |                                 | \$ 345.00        |
| * Reissue claims in excess of 20 and over original patent.   |                     |                     |                                 |                  |
| ** Reissue independent claims over original patent.  |                     |                     |                                 |                  |
|  |                     |                     | TOTAL =                         | \$ 345.00        |
| <p>6. Small entity status:</p> <p>a. <input type="checkbox"/> A small entity statement is enclosed, if (b) and (c) do not apply.</p> <p>b. <input checked="" type="checkbox"/> A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.</p> <p>c. <input type="checkbox"/> Is no longer claimed.</p>  |                     |                     |                                 |                  |
| <p>7. The Commissioner is hereby authorized to credit any overpayments or charge underpayments of the following fees, including any necessary fees for extension of time to Deposit Account No. <b>50-1295</b>.</p> <p>a. <input checked="" type="checkbox"/> Fees required under 37 C.F.R. § 1.16.</p> <p>b. <input checked="" type="checkbox"/> Fees required under 37 C.F.R. § 1.17</p> <p>c. <input checked="" type="checkbox"/> Fees required under 37 C.F.R. § 1.18.</p> |                     |                     |                                 |                  |
| <p>8. <input checked="" type="checkbox"/> A check in the amount of \$345.00 is enclosed.</p>   |                     |                     |                                 |                  |
| <p>9. <input checked="" type="checkbox"/> New Attorney Docket Number, if desired <u>KV-21.20</u><br/> [Prior application Attorney Docket Number will carryover to this CPA <u>unless</u> a new Attorney Docket Number has been provided herein.]</p>   |                     |                     |                                 |                  |
| <p>10. a. <input type="checkbox"/> Receipt for Facsimile Transmitted CPA (PTO/SB/29A)</p> <p>b. <input checked="" type="checkbox"/> Return Receipt Postcard (should be specifically itemized, See MPEP 503)</p>  |                     |                     |                                 |                  |
| <p>11. <input checked="" type="checkbox"/> Other: Certificate Under 3.73(b); Copy of Recorded Assignment</p>   |                     |                     |                                 |                  |
| <p>12. <input checked="" type="checkbox"/> <b>Conditional Petition for Extension of Time:</b><br/> An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.</p>   |                     |                     |                                 |                  |
| <p><b>NOTE:</b> The prior application's correspondence address will carry over to this CPA<br/> <b>UNLESS</b> a new correspondence address is provided below.</p>  |                     |                     |                                 |                  |

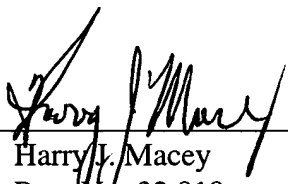
Please direct all correspondence and telephone calls to the undersigned:

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Fremont, CA. 94538-7353

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Respectfully submitted,

Date: 5-30-00

By:   
Harry J. Macey  
Reg. No. 32,818

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